

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:16CR125
)	
Plaintiff,)	
)	
vs.)	AMENDED
)	TENTATIVE FINDINGS
MARTIN LEWIS,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report and Addendum ("PSR"), and the Defendant's objections, motion for a variance, and Sentencing Statement (Filing No. 40). The government adopted the PSR (Filing No. 38) and filed a Statement of Position regarding the Revised Presentence Investigation Report (Filing No. 42). See *Order on Sentencing Schedule*, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Defendant's Objections to the Revised Presentence Investigation Report and Motion for Departure/Variance (Filing No. 40) and the government's Statement of Position regarding the Revised Presentence Investigation Report (Filing No. 42) will be addressed at the sentencing hearing;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are

required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and
5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 14th day of December, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge